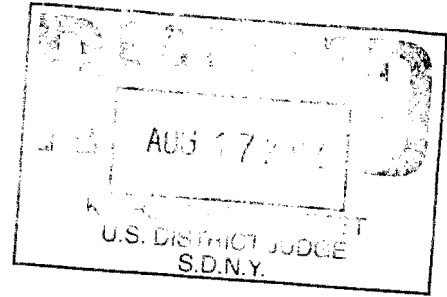
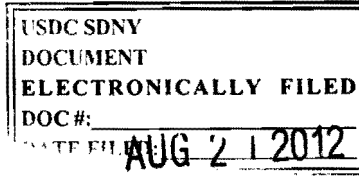


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August 16, 2012



**BY OVERNIGHT DELIVERY**

Judge Katherine B. Forrest  
United States District Court for the Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

**Re: Illinois National Insurance Company v. Tutor Perini Corp., No. 11-Civ.-431**

Dear Judge Forrest:

The Parties jointly write to request clarification with respect to what pretrial materials the Parties must provide, and with respect to the scope of the trial scheduled for September 17-18, 2012.

First, the Court's Order dated June 29, 2012 reads that "All pretrial materials (i.e., a list of witnesses, list of exhibits with objections, and motions in limine) are due no later than September 14, 2012." The Parties had initially understood the Court's use of "i.e." as opposed to "e.g." to mean that the list includes all required pretrial items. The Court's Individual Practices document, though, includes several additional types of pretrial submissions, including proposed findings of fact and conclusions of law, and affidavits of direct testimony. Accordingly, the Parties respectfully request guidance as to which requirements in the Court's Individual Practices the Court would like the Parties to submit by September 14, 2012.

Next, per the Court's June 29, 2012 Order, the trial will be a two day trial on declaratory issues only. The Parties understand that the only issue to be tried is whether there is coverage under the various policies at issue, and that, to the extent that the Court may find coverage, issues of damages and allocation between insurers will be decided at a later date, as will Plaintiffs' claims under Mass. G.L. ch. 93A.

The Parties thank you for your consideration of these two issues and look forward to your response.

Very truly yours,

Joshua W. Gardner  
Alexander D. Hardiman  
George C. Rockas

*"E.g." was intended. The parties should follow my individual rules. 8/21/12.*

**SO ORDERED:**

*Katherine B. Forrest*

**HON. KATHERINE B. FORREST  
UNITED STATES DISTRICT JUDGE**